

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
02-40052-US-P

Total Pages in this Submission
22

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

METHOD FOR TREATING HEPATIC ENCEPHALOPATHIES

and invented by:

Marshall L. Summar

22387 U.S. PTO
10/725064
120103

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 10/122,445

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 14 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☐ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☐ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal Number of Sheets _____
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy) ☒ Unexecuted
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class ☒ Express Mail (Specify Label No.): EV 342398025 US

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Accompanying Application Parts (Continued)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. ☒ Additional Enclosures *(please identify below)*:

Copy of Petition for Three Months Extension of Time in Serial No. 10/122,445

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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17681 U.S. PTO
120103

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	60	- 20 =	40	x \$9.00	\$360.00
Indep. Claims	6	- 3 =	3	x \$43.00	\$129.00
Multiple Dependent Claims (check if applicable) <input checked="" type="checkbox"/>					\$145.00
BASIC FEE					\$385.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$1,019.00

- ☒ A check in the amount of **\$1,019.00** to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. **18-0586** as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.

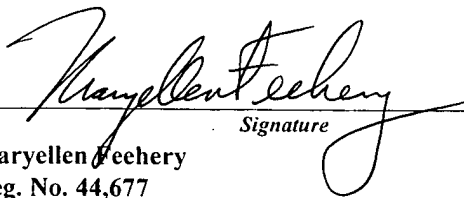
Express Mail Label No. EV 342398025 US

Date of Deposit December 1, 2003

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

Elaine Weisbecker
(Typed or Printed name of person mailing paper or fee)

Elaine Weisbecker
(Signature of person mailing paper or fee)


Signature
Maryellen Feehery
Reg. No. 44,677
Reed Smith LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
(215) 241-7988

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Summar, Marshall L.

Serial No. 10/122,445

Attorney Docket No.: 02-40052-US

Art Unit: 1614

METHOD FOR TREATING
HEPATIC ENCEPHALOPATHIES

Commissioner for Patents
PO Box 1450
Alexandria, VA 22-313-1450

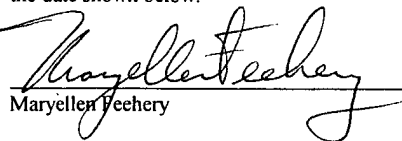
Sir:

PETITION FOR THREE MONTHS EXTENSION OF TIME

Applicant hereby petitions the Commissioner pursuant to 37 C.F.R. § 1.136(a) to extend the time for response to the official action dated May 29, 2003, having a shortened period for response expiring on August 29, 2003, by three months to and including November 29, 2003 (and to December 1, 2003 because November 29, 2003 is a Saturday).

The Commissioner is hereby authorized to charge Four Hundred and Seventy-five Dollars (\$475.00) for this Petition and any additional fees or credit any overpayment, to Deposit Account 18-0586.

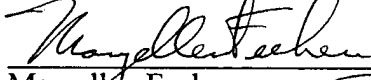
I hereby certify that this paper and the papers referred to herein as being transmitted, submitted, or enclosed herewith in connection with U.S. Serial No. 10/122,445 is/are being facsimile transmitted to the United States Patent and Trademark Office fax number 703 872 9306 on the date shown below.


Maryellen Feehery

December 1, 2003
Date of Facsimile Transmission

Respectfully submitted,

REED SMITH LLP



Maryellen Feehery
Registration No.: 44,677
William J. McNichol, Jr.
Registration No. 31,179
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
(215) 241-7988

Attorneys for Applicant